

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the foregoing comments is respectfully requested.

Claims 21, 23-33, 35, 37-48, 50 and 51 are pending in the application. No claim amendments are presented.

In the Office Action, Claims 21, 28, 35, 42 and 51 are rejected under 35 U.S.C. § 102(e) as anticipated by Cowan et al. (U.S. Pat. 5,828,840, herein Cowan); Claims 23-24, 26-27, 29-30, 35-34 and 45-50 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cowan in view of Patel et al. (U.S. Pat. 5,566,278, herein Patel); and Claims 26-27, 29-30, 35-34 and 45-50 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cowan.¹

Applicant respectfully traverses the above noted rejections under 35 U.S.C. §§ 102 and 103 based on Cowan, as this reference is not available as prior art against the present application.

The present application claims priority under 35 U.S.C. § 119(e) to provisional application serial no. 60/017,398, which was filed on May 14, 1996 and provides clear support for the subject matter recited in pending Claims 21, 23-33, 35, 37-48, 50 and 51. This May 14, 1996 filing date antedates the August 6, 1996 filing date of Cowan. Therefore, Cowan is not available as prior art against the present application, and Applicant respectfully requests that the rejection of Claims 21, 23-33, 35, 37-48, 50 and 51 under 35 U.S.C. §§ 102 and 103 based on Cowan be withdrawn.

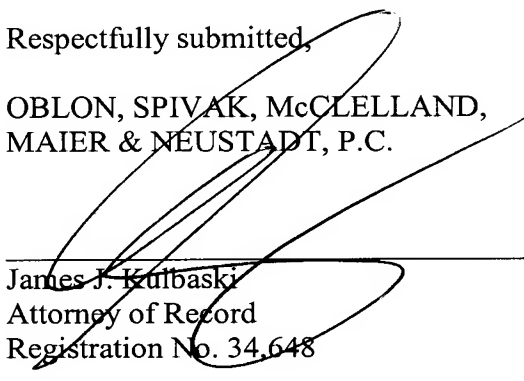
¹ The outstanding Office Action appears to include some typographical errors, for which Applicant respectfully requests clarification in a subsequent communication from the Office. At p. 2, in rejecting Claim 21, the Office Action appears to cite "Cowan et al. Patel et al." while rejecting Claim 21 under 35 U.S.C. § 102(e) as anticipated by Cowan. As all of the citations in the rejection appear to cite Cowan, the citation of Patel in this portion of the Office Action appears to be an error. Similarly, at p. 3, the Office Action cites Kashiwazaki et al. in rejecting Claim 28, when this claim was earlier asserted as being rejected under 35 U.S.C. § 102(e) as anticipated by Cowan. Also, the summary of the rejections under 35 U.S.C. § 103 on pp. 3 and 4 appear to include rejections to Claims "35-34", while neither of these claims are addressed in the body of said rejections.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Andrew T. Harry
Registration No. 56,959